10 RICKY LEWIS,

11 Plaintiff,

v.

13 HOWARD SKOLNIK, et al.,

Defendants.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No. 2:09-CV-02393-KJD-RJJ

**ORDER** 

Currently pending before the Court is Plaintiff's Motion for Extension of Time (#12). Plaintiff seeks an enlargement of time in which to file a responsive pleading to Defendants' Motion to Dismiss (#8). Specifically, Plaintiff avers that "Defendants' motion is premature as the case is unripe for summary judgment, due to the fact that no discovery has been done", and states that more time is needed in which to conduct discovery. (#12 at 2.) Additionally, Plaintiff requests that the Court stay Defendants' Motion to Dismiss "until after discovery has been completed." (Id.)

Defendants' Motion seeks dismissal of Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted. Defendants allege, *inter alia* that Plaintiff's Complaint should be dismissed due to Plaintiff's failure to exhaust his administrative remedies, and seeks summary judgment only as an alternative to dismissal.

Upon examination of the Motion, the Court does not find that a stay is necessary at this point in the litigation, yet grants Plaintiff additional time in which to file points and authorities in opposition to Defendants' Motion as required by Local Rule 7-2(d).

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Extension of Time (#12) is **GRANTED** in part, and **DENIED** in part. Plaintiff's request for an extension of time is granted, his remaining requests are denied.

**IT IS FURTHER ORDERED** that Plaintiff shall file points and authorities in opposition to Defendants' Motion, on or before September 30, 2010. Failure to comply with this Order may result in dismissal of Defendants' action.

DATED this 10th day of September, 2010.

Kent J. Dawson

United States District Judge